

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Martez Irvin,)	
Plaintiff,)	
v.)	Case No. 4:22-cv-00256-DGK
)	
Kansas City, Missouri Police Officer)	
Terrence Brown, <i>et. al</i> ,)	
Defendants.)	

PLAINTIFF’S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

COMES NOW, Plaintiff, Martez Irvin by and through his counsel of record, and respectfully move this Court for leave to file an Amended Complaint against Defendants Police Officer Terrence Brown (“Brown”) and Kansas City Board of Police Commissioners (‘KCPD”). In support of said motion, Plaintiff states as follows:

Plaintiff filed his original Petition for Damages on or about March 8, 2022 in Jackson County, Missouri 16th Judicial Circuit alleging violations of 42. U.S.C. 1983 against Defendants.

Defendants removed this matter to Federal Court on or about April 21, 2022. Also on April 21, 2022, Defendants filed an answer and motion to dismiss (“MTD”) KCPD as a party to this action.

On May 5, 2022, Plaintiff filed his opposition to dismissing KCPD as a party and argued why KCPD is a proper party to this action. In said opposition, Plaintiff also sought leave to amend his complaint if the Court finds it to be deficient.

To date, the Court has not ruled on said motion, but the parties have engaged in written discovery related to this matter.

Plaintiff presently wishes to amend his complaint against Defendant. The amendment requested will not prejudice any party to this action and will not delay the proceedings.

This request to amend the complaint was originally requested by Plaintiff in his suggestions in opposition to KCPD's MTD (ECF 8) which was filed with this Court on May 5, 2022 prior to the August 1, 2022 set forth in the scheduling order.

The proposed amended complaint does not change the claims, facts, nor surprise Defendants in any way as it was argued by KCPD in their reply in support of their MTD.

However, denial of this request would cause undue prejudice to Plaintiff.

Plaintiff's proposed amended complaint is attached to this formal motion as exhibit A.

Wherefore, Plaintiff respectfully requests that the Court grant Plaintiff's motion for leave to file his Amended Complaint which shall relate back to the original pleading and any other relief as the Court deems just and proper.

DATED THIS 13TH DAY OF NOVEMBER 2022

RESPECTFULLY SUBMITTED,

/s/ *Gerald Gray II*

Gerald Gray II, #67476

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November 2022, Plaintiff's counsel filed the forgoing with on the Court's e-filing system which sent notice via electronic mail to all parties of record.

/s/ *Gerald Gray II*

Attorney for Plaintiff